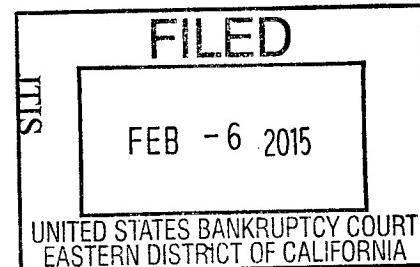


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## 8 UNITED STATES BANKRUPTCY COURT

## 9 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

10

11 In re:

12 T BAR M RANCH, LLC, an Oklahoma  
 limited liability company,

13 Debtor.

15-20840  
 Case No. 2015-20844-B-11  
*dm*

Chapter 11

DCN: FWP-2

14 DECLARATION OF GERRIT BRUINS IN  
 SUPPORT OF OPPOSITION MOTION  
 FOR AUTHORITY TO USE CASH  
 COLLATERAL, ETC.

15

16 Date: February 6, 2015

17 Time: 3:00 p.m.

18 Crtm.: 32, Dept. B

The Honorable Christopher D. Jaime

19

20

I, Gerrit Bruins, declare as follows:

21

1. I am an individual and I reside in the State of Texas. I was hired by Sam Heigle ("Receiver"), the receiver appointed in the action that Bank of the West filed against Tollenaar Holsteins, et al. in the District Court of Bryan County, State of Oklahoma, to assist the Receiver with the operation of the Oklahoma dairy farm operations of T Bar M Ranch ("Oklahoma Dairy"). From Friday, January 30, 2015 through the end of the day on Wednesday, February 5, 2015, I ran the dairy operations of the Oklahoma dairy for the Receiver and T Bar M Ranch. The facts stated in this Declaration are based on my personal observations of, and my involvement in the dairy operations of the Dairy Farm. I have personal knowledge of the facts set forth herein, and if

1 called as a witness, I could and would competently testify thereto.

2       2. Since 1999, I have been involved with dairy farms and cattle operations. My  
3 experience includes running a 2,500 cow dairy as a herdsman, working for a dairy development  
4 company that assisted dairy farmers with starting up their dairy farm operations, working with a  
5 dairy owner to build up his private dairy farm, and working for an auction company that sold dairy  
6 farms and dairy cattle. I raise dairy heifers on my property and I buy and sell dairy cattle.

7       3. From January 30, 2015 to February 5, 2015, while I was in charge of the Oklahoma  
8 Dairy, I ordered feed for the cattle; I directed the employees in their work assignments; I changed  
9 the food rations for the cattle to improve their milk production and health; I oversaw the calving  
10 operation; I helped load cattle on trailers to send them off to a yard for auction, I sold  
11 approximately 18 baby bull calves, and I generally ran the daily operations of the dairy.

12       4. While performing my duties and responsibilities at the Oklahoma Dairy, I observed  
13 the following conditions that caused me to conclude that the Dairy Farm was being mismanaged.  
14 The grain supply at the Dairy Farm was very low when I arrived. I estimated that there was one  
15 day's food supply for the dairy herd. It consisted of approximately five tons of a hominy and corn  
16 mix, approximately ten tons of corn gluten, approximately ten tons of onions, and a large pile of  
17 chicken manure. I learned that the cows were being fed mostly wheat straw, which has little  
18 nutrient value. I immediately ordered additional food for the cattle and changed their food rations.  
19 I also stopped feeding the cattle the chicken manure. I reduced feeding the milking cows onions  
20 by fifty percent because if a cow eats too many onions, it taints the milk and it will not be accepted  
21 at a creamery.

22       5. I observed that the calving operation was being mismanaged. The calving  
23 operation had been set up so that a few times a year, all heifers and cows would be synchronized  
24 (brought into heat) and then artificially inseminated at one time. This caused a significant number  
25 of calves to be born over short periods of time. I am informed and believe that over recent two  
26 week period, one hundred and fifty (150) calves were born. The Oklahoma Dairy does not have  
27 the crew or proper amount of grain and medicine to care for this many calves. The crew was  
28 attempting to bottle feed the calves which was ineffective. I observed that the weaned calves

1 were malnourished and sickly. I believe a significant number of calves were infected with the rota  
2 and corona viruses. The calves were not being administered the antibiotics and vaccines required  
3 to fight these viruses. I located a small supply of vaccine and administered it to the calves. There  
4 was not enough to vaccinate all calves. These conditions jeopardized the lives and the health of  
5 the calves.

6       6. I observed that the cows that had just delivered calves were not being fed the  
7 proper rations of high energy food. This high energy food was needed for the cows' bodies to  
8 produce milk for the new born calves. The result was that the cows bodies were straining to  
9 produce milk and losing too much muscle mass. These cows were overly thin and in jeopardy of  
10 drying up.

11       7. With regard to the general milking herd, due to the improper diet and food rations  
12 they were being supplied, many cows were drying up. It was necessary for me to sort a number of  
13 the milking cows to be beefed, because the little milk supply did not justify providing them with  
14 the high energy grain required to produce milk. Due to the improper diet and food rations for the  
15 milking cows, the cows were under producing milk. The cows were producing approximately  
16 thirty (30) pounds of milk per day each. The industry standard is sixty to seventy five (60 – 75)  
17 pounds of milk per day each.

18       8. While helping to load heifers and calves for the trip to the auction yard, I observed  
19 that many of the heifers were malnourished and weak and it was questionable whether they would  
20 survive the trip. One calf, in particular, obviously had pneumonia. It was foaming at the mouth. I  
21 insisted that this calf be removed from the group going to auction. Dairy staff took it to a stall.  
22 Later, I inquired what happened to the calf and learned that it was not being cared for. I found the  
23 calf in a stall and administered an antibiotic and I provided it with food. I checked on this calf  
24 before I left the Oklahoma dairy and it appeared as though it would survive.

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